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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,210	10/16/2003	Edward A. Hubbard	NING0012	7130
75671 7590 05/26/2009 Sadler, Breen, Morasch & Colby, ps 422 W. Riverside Ave, Suite 424 Spokane, WA 99201				
EXAMINER NASH, LASHANYA RENJEE				
ART UNIT 2453		PAPER NUMBER		
MAIL DATE 05/26/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,210

Applicant(s)

HUBBARD ET AL.

Examiner

LASHANYA R. NASH

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to the papers filed 6 February 2009. Claims 1-28 are cancelled. Claims 29-48 are new. Claims 29-48 are presented for further consideration.

Response to Arguments

The rejection of claims 26-28 under 35 USC 101 are withdrawn, as the claims are cancelled.

Applicant's arguments, see Remarks, filed 6 February 2009, with respect to the rejections of claims 28-49 under 35 USC 103 have been fully considered and are persuasive, in light of the amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of in view of a newly found prior art reference Granik et al. (US Application Publication 2002/0010757), as set forth below in the Office action.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). There is no support in the specification for the claimed tangible computer-readable medium of claims 43-48. Examiner suggests canceling the aforementioned claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent 6,611,686) as applied to claims above in view of Granik et al. (US Patent Application Publication 2002/0010757), hereinafter referred to as Smith and Granik as set forth below in the Office action.

In reference to claim 28, Smith discloses a tracking control and logistics system employing remotely located sensors via a network (abstract). Smith further discloses:

- A system, comprising:
- A server system (server; Figure 3-item 104) configured to:
- communicate with one or more remote distributed devices (i.e. monitor devices; column 5, lines 35-51; Figure 3-items 10), the one or more remote distributed devices configured to receive data from at least one environmental sensor (i.e. input ports of monitoring device connected to sensors; column 6, lines 60-column 7, line 4; column 10, lines 20-28) ;
- or more remote distributed devices to provide environmental data (i.e. temperature data; abstract; column 7, lines 9-13) and location data corresponding to the one or more remote distributed devices (i.e. location data of monitoring device; column 9, lines 61-65);

- receive the environmental data and the location data from the one or more remote distributed devices (i.e. server receives tracking data from the monitor units; column 13, lines 38-42).

However the reference fails to disclose incentivize the one or more remote distributed devices to provide environmental data and location data corresponding to the one or more remote distributed devices. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Granik.

In an analogous art, Granik discloses a system for providing web-based content to users via the Internet (abstract). Granik further discloses incentivize the one or more remote distributed devices to provide data corresponding to the one or more remote distributed devices (i.e. providing rewards to users for proving tracking data; paragraph 18, lines 16-35). One of ordinary skill in the art would have been so motivated to accordingly modify the server of Smith to provide incentives so as to encourage certain user actions and further increase data gathered by the system (Granik; paragraphs [0007]-[0008]).

In reference to claim 37, Smith discloses a tracking control and logistics method for employing remotely located sensors via a network (abstract). Smith further discloses:

- A method comprising:

- identifying one or more remote distributed devices (i.e. monitoring device identification number; column 13, lines 30-38) configured to sense an environmental condition (i.e. sensors of monitoring devices detect temperature data; column 6, lines 60-column 7, line 13) by one or more server systems (i.e. server identifies the monitoring devices; column 13, lines 25-30) ;
- the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition(i.e. temperature data; abstract; column 7, lines 9-13), and location data corresponding to a location of the one or more remote distributed devices by the one or more server systems devices (i.e. location data of monitoring device; column 9, lines 61-65);
- receiving environmental data and location data from the one or more remote distributed devices by the one or more server systems (i.e. server receives tracking data from the monitor units; column 13, lines 38-42); and

However the reference fails to disclose incentivizing the one or more remote distributed devices to provide environmental data corresponding to a sensed environmental condition, and location data corresponding to a location of the one or more remote distributed devices by the one or more server systems; and configuring a distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices by the one or more server systems. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Granik.

In an analogous art, Granik discloses a system for providing web-based content to users via the Internet (abstract). Granik further discloses incentivize the one or more remote distributed devices to provide data corresponding to the one or more remote distributed devices (i.e. providing rewards to users for proving tracking data; paragraph 18, lines 16-35) and configuring a distributed processing system by selecting one or more remote distributed devices based in part on a location of the one or more remote distributed devices by the one or more server systems (i.e. subsequent content distributed to user is based on the gathered by the system from the user; paragraph [0018], lines 11-18). One of ordinary skill in the art would have been so motivated to accordingly modify the method of Smith to provide incentives so as to encourage certain user actions and further increase data gathered by the system (Granik; paragraphs [0007]-[0008]).

In reference to claim 43, Smith discloses a computer-readable medium comprising programming for implementing tracking control and logistics method for employing remotely located sensors via a network (abstract; Figure 5). Smith further discloses:

- A tangible computer-readable medium having instructions stored thereon, the instructions comprising (i.e. programming of monitoring unit; column 8, lines 48-54):
- wherein the instructions cause the sensor based distributed processing system to be formed (i.e. command certain monitoring units to for a monitored system; column 13, lines 17-25) by coupling one or more remote environmental sensors

(i.e. input ports of monitoring device connected to sensors; column 6, lines 60-column 7, line 4; column 10, lines 20-28) to a remote distributed device (column 5, lines 35-51);

- instructions to measure at least one environmental condition with the one or more remote environmental sensors coupled to the remote distributed device (i.e. sensors of monitoring devices detect temperature data; column 6, lines 60-column 7, line 13);
- instructions to determine a location of the remote distributed device (i.e. location data of monitoring device; column 9, lines 61-65); and
- instructions to transmit environmental data corresponding to the at least one measured environmental condition, location data corresponding to the location of the remote distributed device (i.e. monitoring units transmit tracking data to server; column 13, lines 38-42), and an identifier corresponding to the one or more remote environmental sensors (i.e. pin numbers of monitoring units; column 13, lines 35-42).

However the reference fails to disclose instructions to receive a beneficial incentive to form a sensor based distributed processing system. Nonetheless, this would have been an obvious modification to the teachings of Smith for one of ordinary skill in the art at the time of the invention, as further evidenced by Granik.

In an analogous art, Granik discloses a system for providing web-based content to users via the Internet (abstract). Granik further discloses a beneficial incentive to form a sensor based distributed processing system (i.e. providing rewards to users for

proving tracking data; paragraph 18, lines 16-35). One of ordinary skill in the art would have been so motivated to accordingly modify the monitoring units of Smith to be responsive to incentives so as to encourage certain user actions and further increase data gathered by the system (Granik; paragraphs [0007]-[0008]).

In reference to claims 30, 38 and 46 Smith discloses wherein the one or more remote distributed devices are configured to sense an environmental condition with at least one environmental sensor, the environmental sensor comprising one or more of a biometrics detection sensor, an early warning sensor, a network intrusion sensor, a radio frequency identification sensors, or a system security sensor (column 7, lines 1-22).

In reference to claims 31, 39 and 45 Smith discloses wherein the environmental data comprises one or more of temperature data, humidity data, video data, or identification parameter data (column 7, lines 1-22).

In reference to claims 32 and 40 Smith discloses, wherein the location data comprises one or more of Global Positioning System coordinates, an address, or a network address (column 9, lines 60-65).

In reference to claims 33, 41 and 44 Granik discloses wherein to incentivize comprises supplying the one or more remote distributed devices with one or more of a sweepstakes entry, a monetary reward, a non-monetary reward, a connectivity service,

internet access, domain name hosting, or an E-mail account (paragraph [0018], lines 11-35).

In reference to claim 34, Granik discloses wherein the server system is further configured to select one or more remote distributed devices based in part on a location of the one or more remote distributed devices and/or the at least one environmental sensor (paragraph [0018], lines 11-18).

In reference to claims 35, 42 and 47 Smith discloses wherein the server system is further configured to store the environmental data and the location data based in part on an identifier associated with the one or more remote distributed devices and/or the at least one environmental sensor (column 13, lines 35-42).

In reference to claim 36, Smith wherein the server system is further configured to transfer the environmental data and the location data to a customer system (column 13, lines 42-50).

In reference to claim 38, Smith discloses further comprising instructions to wirelessly receive data from the one or more environmental sensors (column 5, lines 50-55).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LASHANYA R. NASH** whose telephone number is (571)272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShanya R Nash/
Examiner, Art Unit 2453
May 19, 2009

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457